

Expedited Bill No. 21-22
Concerning: Weapons – Firearms In or
Near Places of Public Assembly
Revised: 11/10/2022 Draft No. 2
Introduced: July 12, 2022
Enacted: November 15, 2022
Executive: November 28, 2022
Effective: November 28, 2022
Sunset Date: None
Ch. 36, Laws of Mont. Co. 2022

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Council President Albornoz
Co-Sponsors: Councilmembers Hucker, Friedson, Jawando, Riemer, and Katz; Council Vice-President Glass; and Councilmember Rice

AN EXPEDITED ACT to:

- (1) prohibit the possession of firearms in or near places of public assembly, with certain exemptions;
- (2) remove an exemption that allows individuals with certain handgun permits to possess handguns within 100 yards of a place of public assembly; and
- (3) generally amend the law regarding restrictions against firearms in the County.

By amending

Montgomery County Code
Chapter 57, Weapons
[[Section]] Sections 57-1, 57-7, and 57-11

Boldface	<i>Heading or defined term.</i>
Underlining	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
Double underlining	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:



Sec. 1. [[Section]] Sections 57-1, 57-7, and 57-11 [[is]] are amended as follows:

57-1. Definitions.

* * *

Gun or firearm: Any rifle, shotgun, revolver, pistol, ghost gun, undetectable gun, air gun, air rifle or any similar mechanism by whatever name known which is designed to expel a projectile through a gun barrel by the action of any explosive, gas, compressed air, spring or elastic.

* * *

(2) “Ghost gun” means a firearm, including an unfinished frame or receiver, that:

(A) lacks a unique serial number engraved or cased in metal alloy on the frame or receiver by a licensed manufacturer, maker or importer [[under]] in accordance with federal law [or]; and

(B) lacks markings and is not registered with the Secretary of the State Police in accordance with [27 C.F.R. § 479.102]
Section 5-703(b)(2)(ii) of the Public Safety Article of the Maryland Code.

[[It]] “Ghost gun” does not include a firearm that has been rendered permanently inoperable, or a firearm that is not required to have a serial number in accordance with the Federal Gun Control Act of 1968.

* * *

(8) "Undetectable gun" means:

* * *

33 * * *

34 *Place of public assembly:* A “place of public assembly” is;

35 (1) a [[place where the public may assemble, whether the place is]]
36 publicly or privately owned: [[, including a]]

37 (A) park;

38 (B) place of worship;
39 (C) school;

(D) library

(F) recreational facility

⁴² See also the discussion of the role of the state in the development of the market in the following section.

50 (J) childcare facility;

51 (2) government building, including any place owned by or under the
52 control of the County;

53 (3) polling place;
54 (4) courthouse;
55 (5) legislative assembly; or
56 (6) a gathering of individuals to collectively express their
57 constitutional right to protest or assemble.

58 A “place of public assembly” includes all property associated with the
59 place, such as a parking lot or grounds of a building.

60 * * *

61 57-7. Access to guns by minors.

62 * * *

63 (d) A person must not purchase, sell, transfer, possess, or [[transfer]]
64 transport a ghost gun, including a gun created through a 3D printing
65 process, in the presence of a minor.

66 * * *

57-11. Firearms in or near places of public assembly.

68 (a) In or within 100 yards of a place of public assembly, a person must not:

69 (1) sell, transfer, possess, or transport a ghost gun, undetectable gun,

70 handgun, rifle, or shotgun, or ammunition or major component for

71 these firearms; or

72 (2) sell, transfer, possess, or transport a firearm created through a 3D

73 printing process.

74 (b) This section does not:

- (3) apply to the possession of a firearm or ammunition, other than a ghost gun or an undetectable gun, in the person's own home;
 - (4) apply to the possession of one firearm, and ammunition for the firearm, at a business by either the owner who has a permit to carry the firearm, or one authorized employee of the business who has a permit to carry the firearm; or
 - (5) [apply to the possession of a handgun by a person who has received a permit to carry the handgun under State law; or]
 - [6] apply to separate ammunition or an unloaded firearm:
 - (A) transported in an enclosed case or in a locked firearms rack on a motor vehicle, unless the firearm is a ghost gun or an undetectable gun; or
 - (B) being surrendered in connection with a gun turn-in or similar program approved by a law enforcement agency.

* * *

Sec. 2. Expedited Effective Date. The Council declares that this legislation is necessary for the immediate protection of the public interest. This Act takes effect on the date on which it becomes law.

Sec. 3. Severability. If any provision of this Act, or any provision of Chapter 57, is found to be invalid by the final judgment of a court of competent jurisdiction, the remaining provisions must be deemed severable and must continue in full force and effect.

Sec. 4. This Act and Chapter 57 must be construed in a manner that is consistent with regulations of the federal Bureau of Alcohol, Tobacco, Firearms, and Explosives, including 87 FR 24652 (effective August 24, 2022), as amended.

Approved:



11/17/2022

Gabriel Albornoz, President, County Council

Date

Approved:



11/28/2022

Marc Elrich, County Executive

Date

This is a correct copy of Council action.



11/28/2022

Judy Rupp, Clerk of the Council

Date